

HOUSE BILL 2090
By Turner M

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 1, relative to circumstances under which a
party may seek an injunction growing out of a
labor dispute.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, is amended by
adding the following language as a new section:

Section 50-1-205.

(a) No court of this state shall have authority to issue a temporary
or permanent injunction in any case involving or growing out of a labor
dispute, except after hearing the testimony of witnesses in open court, with
opportunity for cross-examination, in support of the allegations of a
complaint made under oath, and testimony in opposition thereto, if offered,
and except after findings of fact by the court, of all of the following:

(1) That unlawful acts have been threatened and will be
committed unless restrained or have been committed and will be
continued unless restrained, but no injunction or temporary
restraining order shall be issued on account of any threat or
unlawful act excepting against the person or persons, association,
or organization making the threat or committing the unlawful act or
actually authorized those acts;

(2) That substantial and irreparable injury to complainant's
property will follow;

(3) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(4) That complainant has no adequate remedy at law; and

(5) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

(b) The hearing shall be held after due and personal notice thereof has been given, in the manner that the court shall direct, to all known persons against whom relief is sought, and also to the chief of those public officials of the county and city within which the unlawful acts have been threatened or committed charged with the duty to protect complainant's property. However, if a complainant also alleges that, unless a temporary restraining order is issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five (5) days and shall become void at the expiration of those five (5) days. No temporary restraining order shall be issued unless the judicial officer issuing the temporary restraining order first hears oral argument from the opposing party or opposing party's attorney. No temporary restraining order or temporary injunction shall be issued except on the condition that the complainant first files an undertaking with adequate security in an amount to be fixed by the court sufficient to

recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of the order or injunction, including all reasonable costs, together with a reasonable attorney's fee, and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

(c) The undertaking shall be an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against the complainant and surety, upon a hearing to assess damages of which hearing the complainant and surety shall have reasonable notice, the complainant and surety submitting themselves to the jurisdiction of the court for that purpose. Nothing contained in this section shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his or her ordinary remedy by suit at law or in equity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.